



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB -6 2002

CERTIFIED MAIL# 7000 1530 0006 1726 7034
RETURN RECEIPT REQUESTED

In Reply Refer to:
EPA File No: 2R-01-R9

Mr. Angel Winn
Tribal Vice Chairman
Pitt River Tribe
37014 Main Street
Burney, California 96013

CERTIFIED MAIL# 7000 1530 0006 1726 7041
RETURN RECEIPT REQUESTED

Michelle Berditshevsky
Executive Secretary
Native Coalition for Medicine Lake
Highlands Defense
P.O. Box 1143
Mount Shasta, California 96067

Re: Acceptance of Administrative Complaint

Dear Mr. Winn and Ms. Berditshevsky:

On February 6, 2001, you filed a complaint with the U.S. Environmental Protection Agency, Office of Civil Rights on behalf of the Pit River Tribe and the Native Coalition for Medicine Lake Highlands Defense. The complaint alleges violations of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.*, and EPA's regulations implementing Title VI found at 40 C.F.R. Part 7 by the Siskiyou County Air Pollution Control District. The purpose of this letter is to inform you that your complaint has been accepted for investigation by OCR.

In the complaint you specifically allege that the SCAPCD discriminated against Native Americans by approving Calpine Corporation's permits for the construction and operation of a major geothermal power plant in the Medicine Lake Highlands, sacred lands long used by neighboring Native American tribes. According to your complaint, by approving the geothermal power plant permits, the SCAPCD approved the "destruction of environmental and cultural values in the Medicine Lake Highlands . . . [and] has discriminated against Native American culture on the basis of race, color and national origin, placing an exceptional burden on the practice of Native American culture and religion." This allegation is accepted for investigation.



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Under Title VI, a recipient of federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI implementing regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). Your complaint meets the jurisdictional requirements described in EPA's Title VI regulations for investigations. First, your complaint is in writing. 40 C.F.R. § 7.120(b)(1). Second, you allege that the SCAPCD's approval of permits for the construction and operation of a major geothermal power plant in Medicine Lake Highlands has a discriminatory effect against Native Americans in violation of Part 7. 40 C.F.R. § 7.120(b)(1). Third, the alleged discriminatory act occurred on August 9, 2000, which is within 180 days of February 6, 2001, when you filed your complaint with EPA. 40 C.F.R. § 7.120(b)(2). Fourth, SCAPCD was a recipient of EPA financial assistance at the time of the alleged discriminatory act. 40 C.F.R. § 7.15. Based on these facts, the allegation described in the second paragraph of this letter is accepted for investigation.

EPA's Title VI regulations provide that OCR must attempt to resolve complaints informally whenever possible 40 C.F.R. § 7.120(d)(2). Accordingly, OCR will discuss offers to informally resolve the complaint, and will, to the extent appropriate, facilitate an informal resolution process with the involvement of affected stakeholders. If you are interested in an informal resolution of the complaint, please inform Joann Asami within 30 days of receipt of this letter. Ms. Asami can be reached at (415) 972-3929.

If you have any questions, please contact Eva Hahn by phone at (202) 564-8186, or by mail to the U.S. EPA, Office of Enforcement and Compliance Assurance (Mail Code 2201A), Title VI Task Force, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,


Karen D. Higginbotham
Acting Director

cc: William Stephans
Air Pollution Control Officer
Siskiyou County Air Pollution
Control District
525 So. Foothill Dr.
Yreka, CA 96097-3036

Rafael DeLeon, Associate General Counsel
Office of General Counsel (MC 2399A)

Sylvia Lowrance, Acting Assistant Administrator
Office of Enforcement and Compliance Assurance (MC 2201A)

Barry Hill, Director
Office of Environmental Justice (MC 2201A)

Wayne Nastri, Regional Administrator
EPA Region 9

Joann Asami, Title VI Coordinator
EPA Region 9

Gail Ginsberg, Chair
Title VI Task Force (MC 2201A)